DOCUMENT RESUME

ED 127 085 RC 009 365

AUTHOR	Ramirez, Bruce A.
TITLE	Background Paper on American Indian Exceptional Children.
INSTITUTION	Council for Exceptional Children, Reston, Va.
PUB DATE	17 Jan 76
NOTE	17p.; Paper presented at the National Advisory Council on Indian Education (Reno, Nevada, January 16-18, 1976)
EDRS PRICE	MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS	Agency Role; *American Indians; Budgets; Cultural Awareness; *Educational Needs; *Exceptional Child Education; *Federal Legislation; *Interagency Coordination; Problems; Program Development; Special Education; Teacher Education
IDENTIFIERS	BIA; *Bureau of Indian Affairs; NACIE; *National Advisory Council on Indian Education

ABSTRACT

The diversity of the American Indian population coupled with the variety of government units serving the Indian makes it difficult to determine how many Indian children need special education, but available information suggests the need is great. A 1972 Bureau of Indian Affairs (BIA) survey estimated that 39% of the Indian school age population need special education services. While inclusion of the handicapped child in the public education system is mandated, there remain special problems associated with educating the exceptional Indian child. Foremost among these problems are lack of: specifications for a BIA budget line item; mandatory legislation relative to special education for Indian children; Indian special education personnel; coordination between the states, the BIA, and the tribes; funding for Indian children in contract schools; and proper evaluation procedures relative to Indian special education classifications. Consequently, the Council for Exceptional Children has recommended that the National Advisory Council on Indian Education (NACIE) propose: priority consideration of special education for Indians by Federal agencies; a coordinated plan for Indian special education developed by NACIE; a BIA budget line item; mandatory legislation re: Indians; a special education emphasis by the American Indian Policy Review Commission; NACIE-BIA coordination in a special education staff training program. (JC)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

BACKGROUND PAPER

ON

AMERICAN INDIAN EXCEPTIONAL CHILDREN

JANUARY 17, 1976

ED127085

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

Presented to the National Advisory Council on Indian Education, at its January 16-18, 1976 meeting in Reno, Nevada.

Presented on behalf of The Council for Exceptional Children by:

Bruce A. Ramirez
Governmental Relations Unit
The Council for Exceptional Children
Reston, Virginia

RC009365

Background Paper
American Indian Exceptional Children

Introduction

In a speech at the 1975 National Indian Education Association Convention in Oklahoma City, Dr. Noah Allen, the then Acting Director of the Bureau of Indian Affairs (BIA) Education Branch, outlined several critical areas of need facing Indian education. Included in the list was special education for exceptional (handicapped and gifted) American Indian children.

Dr. Allen's remarks come at a time when American education is experiencing an extensive change in public policy regarding the educational rights of exceptional children. Since the early 1970's extensive litigation as well as state and Federal legislation have affirmed the right of all children to be provided a free public education. Recently the focus has gone beyond solely access to an education, and has called for exceptional children to be provided an appropriate educational program to meet their needs.

Initially, the education rights movement focused on the handicapped. These were children who because of mental, physical, emotional or learning problems required special education services. More recently there has been a tendency to include the gifted and talented as exceptional. While there appears to be significant progress toward the goal of equal educational opportunity for exceptional children, the situation for American Indian, including Alaskan native exceptional children, has remained virtually unchanged; they continue to be deprived of appropriate educational services.

Incidence Information

The diverse nature of the Indian population combined with varied government units providing direct and indirect services has made it exceedingly difficult to determine the exact numbers of exceptional Indian children requiring special education services. However, the limited information that does exist is startling regarding the need for improved delivery services to exceptional Indian children.

Otitis Media Data

Otitis Media which results in differing degrees of hearing impairment particularly among younger children is the number one reportable disease among American Indians. The Indian Health Service in its most recent publication reported the incidence rate of Otitis Media in 1971 to be 10.5 percent for all ages of Indians.[1] In terms of numbers this means that there were 49,478 Indians who required some type of treatment to correct or compensate for their loss of hearing.

r survey of 3,318 Navajo students in boarding schools on the Navajo Nation ed the prevalence rate of chronic Otitis Media to be over 7 percent which bout 15 times greater than that of the general population.[2] Using information collected from public health and social service agencies the Navajo Tribe estimated that the prevalence of speech, hearing, and vision problems ranges as high as 40 percent of the total Navajo population of approximately 130,000 people.[3]

Bureau of Indian Affairs Survey

A survey conducted through BIA area offices in the Spring of 1972 estimated that 19,540 of 49,720 students enrolled in BIA operated schools were exceptional (See Appendix A). This is approximately 39 percent of the school age population as compared to a national average of 10-12 percent. Of the estimated 19,540 exceptional children, 3,715 students were reported to have received services, while 15,825 students still needed appropriate special education services (Appendices A1 and A2). Subsequent Office of Education testimony before the House Subcommittee on Elementary, Secondary, and Vocational Education in July, 1975 indicated that approximately 4,500 have been provided special education services.[4]

1974 Deaf-Blind Survey on the Navajo Nation[5]

This survey located and identified sixteen deaf-blind Navajo children. Although all the children were attending state facilities for the deaf, blind or mentally retarded, one group of eight youngsters were without a program. The survey reported that a program would be initiated for these children during the 1975 school year.

Public Policy and Exceptional Children

This section presents a summary of public policy as it relates to the education of exceptional children at both the state and Federal levels. The basis for much of this legislation has been a host of court cases beginning with the PARC v. Commonwealth of Pennsylvania[6] and Mills v. Board of Education[7] decisions in the early 1970's which established for handicapped children the right to an education.

State Policy

Increasingly states have moved to adopt mandatory legislation requiring the education of all eligible exceptional children, as defined in each state's policies. A survey of state legislation in 1975 revealed that all but two states had adopted some form of mandatory legislation (Appendix B). The survey further indicated that 37 of the 48 states with mandatory legislation passed their current special legislation since 1970.

The following passage from the Arizona law is representative of much of the recent right to education legislation:

> It is the intent of the Legislature to guarantee equal educational opportunity to each handicapped child in the state regardless of the schools, institutions or programs by which such children are served.
>
> To the extent practicable, handicapped children should be educated in the regular classes. Special classes, separate schooling or other removal of handicapped children from the regular educational environment, shall occur only if, and to the extent that the nature or severity of the handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.[8]

In addition to mandating special education programs and services for all categories of handicapped children, except the emotionally handicapped, by the 1976-77 school year, the Arizona law requires local school districts to develop comprehensive plans for the delivery of services.

Federal Policy

The purpose and design of Federal legislation such as the Education Amendments of 1974, P.L. 93-380, and the more recent Education for All Handicapped Children Act, P.L. 94-142, has been to end the exclusion of handicapped children from the public education system. As such the legislation has focused on the critical areas of educational rights and finances.

Under P.L. 93-380, Section 613 (a)(12) and (13), states in order to remain eligible to receive Federal funds for the education of the handicapped were required to amend their 1975 state plan setting forth:

(1) Assurances of a full service goal for all handicapped children; and
(2) Procedures guaranteeing safeguards in identification, evaluation and educational placement decisions. Such safeguards include due process guarantees, as well as assurances for nondiscriminatory testing and evaluation and placement in the least restrictive alternative setting.

P.L. 93-380, Section (b)(1), further required states to provide assurances in their 1976 state plans providing for:

(1) Policies and procedures it will use in identifying, locating and evaluating all children within the state who are not currently receiving needed special education services (Child-find plans);

(2) Policies and procedures guaranteeing the protection of confidentiality of data and information; and

(3) A thirty day public comment period prior to submission of the plan.

In addition to reaffirming the rights provisions set forth in the Education Amendments of 1974, P.L. 94-142 greatly increases and expands the Federal government financial commitment to states and their localities regarding the education of handicapped children. P.L. 94-142 further stipulates provisions pertaining to individualized instruction, parent surrogates, and establishes a compliance mechanism as well as state advisory panels.

P.L. 94-142 also contains a 1 percent set aside for the education of handicapped Indian children attending schools operated by the BIA. Section 611 (f)(1) states:

> The Commissioner is authorized to make payments to the Secretary of the Interior according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. The amount of such payments for any fiscal year shall not exceed 1 per centum of the aggregate amounts available to all States under this part for that fiscal year.

A similar provision in P.L. 93-380 provided the BIA with slightly less than one million dollars for Fiscal Year 1975. In order to receive this allocation the Secretary of the Interior must assure all the educational rights for American Indian children required of the states and their localities. In this regard the BIA has been required to submit plans delineating its due process guarantees and child-find procedures and confidentiality guarantees.

Critical Need Areas

In light of the preceding information about public policy and current services available to exceptional Indian children, it is apparent that there are a number of issues that must be addressed if exceptional Indian children are to be afforded their right to a free public education. The following need areas are discussed in the context of their importance for improving the delivery of special education services to exceptional Indian children. The topics are not presented in any order of importance.

BIA Special Education Programs and Services

As previously indicated, the BIA according to the most recent testimony before the House Subcommittee on Education is presently providing special education

ervices to only 20 percent of the total number of exceptional children attending its schools. However, under P.L. 94-142 the BIA is committed to a full service goal for all handicapped children, ages 3 to 18, by the beginning of the 1978 school year.

Under current conditions it is unlikely that the BIA will be able to reach its full service goal due to policies which do not recognize and support special education programming. The following factors will continue to have a negative impact upon the implementation of comprehensive special education services within the BIA for exceptional Indian children:

(1) No budget line item for initiating and maintaining special education programs and services in BIA operated schools.
(2) No mandatory legislation with respect to the education of exceptional Indian children.

Under such circumstances the BIA has had to rely on U.S. Office of Education grants i.e. Title I, Title III and EHA, Part B for much of its special education program support. Because most of the BIA special education services are supported through grants almost all of the special education personnel are temporary employees appointed only for the duration of the project. This condition has also resulted in a special education administration with little system wide program responsibility.

The above information indicates an urgent need to improve the quantity and quality of special education services in the BIA. In this regard, The Council for Exceptional Children (CEC) is committed to working with Indian groups and organizations to (1) establish a line item for special education within the BIA budget and (2) enact legislation requiring the BIA to provide appropriate educational servies to all exceptional Indian children.

Inadequate Numbers of Indian Special Education Personnel

The shortage of Indian teachers, administrators as well as other ancillary educational personnel has been well documented over the past several years. As one would expect, there is a concurrent need for American Indian special education teachers for the Indian child who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, learning disabled, other health impaired or gifted and talented. In addition to teachers there is also a need for Indian special education administrators as well as Indian diagnosticians.

...ns

...previously mentioned the states and BIA are required under P.L. 93-380 to develop procedural safeguards and child-find plans in order to remain eligible for federal funds for the handicapped.

Currently the state and BIA due process guarantees of the 1975 amended state plans are being reviewed by CEC with regard to provisions which assure that communication with parents of exceptional children be conducted in the primary language of the home. In addition, careful consideration is being paid to testing and evaluation materials and procedures that may be racially or culturally discriminatory.

P.L. 93-380 also requires the states, as part of their efforts to reach full service, to locate and evaluate all handicapped children currently not receiving needed special education services. Ordinarily this would be solely a state responsibility, however, the BIA is also required to submit a plan and it is possible that a situation could develop where unserved handicapped children residing on trust areas would not be identified due to confusion over who is ultimately responsible for identifying such children. Under these circumstances we urge the respective agencies of the state and BIA to develop a cooperative arrangement with Tribal governments to facilitate the identification of unserved handicapped children.

Contract Schools

With the passage of the Indian Self-Determination and Education Assistance Act, P.L. 93-638, it is likely that there will be an increase in the number of schools contracting with the BIA to operate local school programs. Under these circumstances it is important for such schools to recognize the need to provide special education services to exceptional children within their jurisdictions. In this regard the Federal government should provide financial support to contract schools for the support of special education services.

Inappropriate Special Class Placement

The over-representation of culturally different children in special education classes for the mentally retarded has been a subject of much concern in recent years. Incidents of inappropriate special class placement of Indian children has been reported by the Office of Civil Rights in the Shawano, Wisconsin school district.[9] The Shawano study found that the misuse of tests and testing procedures resulted in the overinclusion of Indian children in classes for the mentally retarded. While it has been difficult to determine the extent of similar incidents involving Indian children, this is an area that needs greater attention.

The issue of misplacement was addressed in P.L. 93-380 and more recently in P.L. 94-142, both of which require assurances for nondiscriminatory testing and evaluation procedures from the state and its localities. The exact nature of such procedures will vary according to localities, however, there is a need for Indian people to begin reviewing and developing nondiscriminatory evaluation and placement procedures based on their own local needs.

Preschool Programs Serving the Handicapped

The Office of Child Development (OCD) through its Head Start program is mandated to make available to handicapped children not less than 10 percent of its total enrollment opportunities in each state. With regard to its Indian grantees OCD in its "1975 Report of Head Start Services to Handicapped Children" reported statistics which revealed that 8.79 percent of the children enrolled in programs monitored by the Indian and Migrant Programs Division were believed to be handicapped (Appendix C).

The report went on to identify the following areas of concern associated with the integration of handicapped children into the regular Head Start program: availability of professional diagnostic services, lack of resources, mislabeling, staff training related to the early education of handicapped children, and strategies to ensure continuity of services for handicapped children after leaving Head Start.[10] Although no differentiation was made regarding program type i.e. Indian, migrant, urban, etc. these are problems that are of equal if not greater concern to Indian grantees. Although the survey did not target specifically on Indian Head Start programs, the same problems are of concern to Indian grantees as well.

New Directions

At the local level there have been a number of Indian initiated activities which are designed to provide improved services to exceptional Indian children. Some of the more organized efforts include:

(1) The establishment in 1972 of the Navajo Department of Special Education whose goal is to bring about the development of comprehensive services for all Navajo handicapped persons.

(2) The founding of the following Indian advocacy groups for the retarded:

* Hopi Tribal Parents' Association for Retarded Children and Adults
* Sicangu Association for Retarded Citizens (Rosebud)
* Dine Association for Retarded Citizens (Navajo)

(3) The establishment of community based programs for the handicapped such as:

* St. Michaels Association for Special Education
* Chinle Valley School for Exceptional Children

* Hopi Center for Human Resources
* Laguana Special Education Project
* Project Palatisha (preschool)
* Duluth Project on Handicapped Indian Children

Up to this point exceptional Indian children have received little attention from national organizations associated with Indian Education. An exception to this trend is the recent 1975 resolution endorsed by the Education Committee of the National Congress of American Indians (NCAI) at its 32nd annual convention calling for increased attention on the part of the BIA, the Office of Indian Education and NACIE regarding special education for exceptional Indian children.

While the NCAI resolution and the increase in community level efforts is encouraging there remains much to be done if the exceptional Indian child is to be provided needed special education services. Critical to any efforts to improve the educational opportunities afforded exceptional Indian children is national leadership from Indian groups and organizations. Such leadership, while focusing attention on problems of significant concern, could also provide strategies for ensuring complete equality of opportunity for exceptional Indian children.

Recommendations

The Council for Exceptional Children recommends that the National Advisory Council on Indian Education (NACIE) consider adoption of the following:

(1) That education of exceptional Indian children be considered a priority of the Office of Indian Education, the Bureau of Indian Affairs and other Federal agencies affecting the education of Indian children.

(2) That a coordinated plan for the education of exceptional Indian children be developed under the aegis of NACIE.

(3) That NACIE recommend that the Bureau of Indian Affairs develop a line item budget and specific mandatory legislation for the education of exceptional Indian children

(4) That NACIE recommend that the Education Task Force of the American Indian Policy Review Commission devote specific attention and time to policy matters relating to the education of exceptional Indian children.

(5) That NACIE meet with the Bureau of Education for the Handicapped to develop strategies for assuring the development of adequately trained staff for programs for the education of exceptional Indian children.

References

[1]U. S. Department of Health, Education, and Welfare, Indian Health Services, Office of Program Statistics, Indian Health Trends and Services, 1974.

[2]Ronald L. Johnson, "Chronic Otitis Media in School Age Navajo Indians," Laryngoscope 77 (November 1967) 1990-1995.

[3]Elizabeth A. Murphy, "The Classroom: Meeting the Needs of the Culturally Different Child -- the Navajo Nation," Exceptional Children 40 (May 1974) 601-608.

[4]Hearings before the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor, United States House of Representatives on Indian Education, Washington, D. C., July 28, 29, 1975.

[5]J. A. Thayer, "Final Report: Navajo Deaf-Blind Search and Identification Project," Northern Arizona University, 17 July 1974.

[6]Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1257 (E.D. Pa. 1971).

[7]Mills v. Board of Education of District of Columbia, 348 F. Supp. 866 (D.D.C. 1972).

[8]Arizona Law, Chapter 181, Section 1, and Chapter 181, Section 5 (15-1015[1]), 1973.

[9]U. S. Department of Health, Education, and Welfare, Office of Civil Rights, Region V, "Special Education Section of the Draft Report of the Title VI Review of the Shawano School District," 1971.

[10]U. S. Department of Health, Education, and Welfare, Office of Child Development, Third Annual Report of the U. S. Department of Health, Education, and Welfare to the Congress of the United States on Services Provided to Handicapped Children in Project Head Start, Washington, D. C., June 1975.

Appendix A

BUREAU OF INDIAN AFFAIRS
AREA/AGENCY TOTALS
CURRENT SPECIAL EDUCATION SERVICES
AND
PROJECTED NEEDS
SEPTEMBER, 1972

Areas/Agencies*	Total Students Served	Total Number of Exceptional Students	Percent of BIA Enrollment Thought to be Exceptional	Students Receiving Sp. Ed. Services	Students Still Needing Sp. Ed. Services
Albuquerque Area	2,422	1,117	46.10	702	415
Aberdeen Area	9,686	6,737	69.55	694	6,043
Anadarko Area	1,047	277	26.46	40	237
Cherokee Agency	1,250	266	21.28	177	89
Juneau Area	5,485	1,432	26.11	499	933
Muskogee Area	650	491	75.54	126	365
Navajo Area	22,630	6,062	26.79	1,034	5,028
Phoenix Area	4,314	1,650	38.25	150	1,500
Portland Area	850	205	24.12	170	35
Choctaw Agency	1,386	1,303	94.01	123	1,180
TOTAL	49,720	19,540	39.30	3,715	15,825

*5 areas (Navajo, Aberdeen, Juneau, Phoenix and Albuquerque) enrolled 89.6% of the students enrolled in BIA schools.

Appendix A1

ESTIMATED NUMBER OF CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS RECEIVING SPECIAL EDUCATION SEPTEMBER, 1972

AREAS OR AGENCIES	Hard of Hearing	Crippled or Orthopedic	Trainable Mentally Retarded	Socially Maladjusted	Gifted	Language Disorders	Deaf	Other Health	Visually Impaired	Educable Mentally Retarded	Emotionally Disturbed	Slow Learner	Speech Impaired	Learning Disabled	TOTAL
Albuquerque	46	9	3			177		10	124	76	82		50	125	702
Aberdeen	95		50							465			84		694
Phoenix										60	12			78	150
Cherokee	35	1					2	2	40	23	6		60	8	177
Juneau	90	10	5				8	20	200	96	25		5	40	499
Muskogee	16		10						40	20	20		20		126
Navajo	150		15		90		15			345	80	234	30	75	1034
Choctaw	5								20		20			78	123
Anadarko										20	15			5	40
Portland	30								40		50		10	40	170
TOTAL	467	20	83	0	90	177	25	32	464	1105	310	234	259	449	3715

12

Appendix A2

ESTIMATED NUMBER OF CHILDREN IN
BUREAU OF INDIAN AFFAIRS SCHOOLS
REQUIRING SPECIAL EDUCATION
SEPTEMBER, 1972

AREAS OR AGENCIES	Hard of Hearing	Crippled or Orthopedic	Trainable Mentally Retarded	Socially Maladjusted	Gifted	Language Disorders	Deaf	Other Health	Visually Impaired	Educable Mentally Retarded	Emotionally Disturbed	Slow Learner	Speech Impaired	Learning Disabled	TOTAL
Albuquerque	36	5				250			9	19	18		50	28	415
Aberdeen	100	293	150				50		100	550	2000		300	2500	6043
Phoenix **	145	75					5		150	225	100			800	1500
Cherokee	11		5					2		20	21		18	12	89
Juneau	96	5	15		51		4	19	500	118	50		25	50	933
Muskogee	25		20						100	40	100		40	40	365
Navajo	352	176	104	417	366	158			293	343	514	2063	188		4974
Choctaw	69		5						451	10	20		610	15	1180
Portland											25		10		35
Anadarko	22	10	14					6	21	80	32			22	207
TOTAL	856	564	313	417	417	408	59	27	1624	1405	2880	2063	1241	3467	15,741

** due to the special education philosophy of the Phoenix area data is not collected in terms of categorical handicaps.

Appendix B

STATE STATUTORY RESPONSIBILITIES FOR THE EDUCATION OF HANDICAPPED CHILDREN

July 1, 1975

This chart was prepared by The Development and Evaluation of State and Local Special Education Administrative Policy Manuals Project of the State-Federal Information Clearinghouse for Exceptional Children of the Council for Exceptional Children.

STATE	TYPE OF MANDATION	DATE OF PASSAGE	COMPLIANCE DATE	AGES OF ELIGIBILITY	CATEGORIES EXCLUDED
Alabama	Full Planning and Programming	1971	1977	6-21	Profoundly Retarded
Alaska	Full Program	1974		From age 3	
Arizona	Selective Planning and Programming	1973	9/76	5-21	Emotionally Handicapped
Arkansas	Full Planning and Programming[1]	1973	9/79	6-21	
California	Selective			6-18[2]	"Educationally Handicapped" (Emotionally Disturbed, Learning Disabled)
Colorado	Full Planning and Programming	1973	7/75	5-21	
Connecticut	Full Planning and Programming	1966		4-21[3]	
Delaware	Full Program "Wherever Possible"			4-21	Severely Mentally or Physically Handicapped
District of Columbia	No Statute. Court Order: Full Program	1972	1972	From age 6	
Florida	Full Program		1973[4]	3-no maximum (13 yrs. guaranteed)	
Georgia	Full Planning and Programming	1968	9/75	3-20	
Hawaii	Full Program	1949		5-20	
Idaho	Full Program[5]	1972[5]		Birth-21	
Illinois	Full Program	1965	7/69	3-21[6]	
Indiana	Full Planning and Programming	1969	1973	6-18[7]	
Iowa	Full Program "If Reasonably Possible"	1974		Birth-21	
Kansas	Full Planning and Programming	1974	1979[8]	Developmentally Disabled: Birth-21	
Kentucky	Planning and Programming	1970	1974	9	Other than TMR
	(Petition for Trainable Mentally Retarded only)	1962		6-21	
Louisiana	Court Order–Orleans Parish only: Selective for Mentally Retarded, Otherwise, Mandatory	1972	1972	3-21[10]	Other than Mentally Retarded
Maine	Full Planning and Programming	1973	1975[11]	5-20	
Maryland	Full Planning and Programming	1973	1979[12]	13	
Massachusetts	Full Planning and Programming	1972		3-21	
Michigan	Full Planning and Programming	1971	9/73	Birth-25	
Minnesota	Full Program	7/72[14]	14	4-21, except MR (5-21) and ED (6-21)	
Mississippi	Permissive			Birth-21	
Missouri	Full Planning and Programming	1973		5-21	
Montana	Full Program[15]	1974	7/79	6-21	
Nebraska	Full Planning and Programming	1973	10/76[16]	5-18	
Nevada	Full Program	1973		5-18[17]	
New Hampshire	Full Program			Birth-21	
New Jersey	Full Program	1954[18]		5-20	
New Mexico	Full Planning and Programming	1972	9/76	6-21[19]	
New York	Full Program	1973	1973	5-21	Profoundly Retarded
North Carolina	Full Planning	1974	20	Birth-Adulthood[21]	
North Dakota	Full Planning and Programming	1973	7/80[22]	5-21[3]	
Ohio	Permissive			Birth-21	Other than crippled or Educable Mentally Retarded, Deaf, Blind, Partial hearing or vision
	Selective Planning	1972	1973	23	Trainable or Profoundly Mentally Retarded
Oklahoma	Full Program	1971	9/70	4-21[24]	
Oregon	Full Program	1973		EMR: 6-21 Others: Birth-21	
Pennsylvania	Court Order: Selective (Mentally Retarded Only)	1972	9/72	6-21[25]	Other than mentally retarded
	Full Planning and Programming	1956	1956	6-21	
Rhode Island	Full Program		1964[26]	3-21[26]	
South Carolina	Full Planning and Programming	1972	1977	6-21[27]	
South Dakota	Full Program	1972		Birth-21	
Tennessee	Full Planning and Programming	1972	9/74[2]	4-21	
Texas	Full Program[28]	1969	9/76[28]	3-21	
Utah	Full Program	1969		5-21	
Vermont	Full Program[29]	1972		Birth-21	
Virginia	Full Planning	1972	30	2-21	
Washington	Full Program	1971		6-21[31]	
West Virginia	Full Program	1974	1974	5-23[32]	
Wisconsin	Full Planning and Programming	1973	8/74	3-21	
Wyoming	Full Program	1969		6-21	

[1] ...rrent statute is conditional: 5 or more similarly handicapped children in district. However, a 1973 Attorney General's opinion stated that the law mandating full planning and programming was effective July, 1973. If the state activates a kindergarten program for 5-year-old children, ages of eligibility will be 5-21.

[2] Permissive for children 3-21, except MR: 5 yrs. 8 mos.-21.

[3] 3-21 for hearing impaired. Lower figure applies to age of child as of Jan. 1 of the school year.

[4] 1973 law did not include profoundly retarded; however, a 1974 amendment brought these children under the provisions of the mandatory law. Compliance date for full services to these children is mandated for 1977-78.

[5] Earlier (1963) law was mandatory for all handicapped children except Trainable Mentally Retarded.

[6] 5-21 for speech defective.

[7] Permissive 3-5 and 19-21.

[8] "Developmentally Disabled" means retardation, cerebral palsy or epilepsy. For other disabilities, the state board is to determine ages of eligibility as part of the state plan. Compliance date is 7/1/74 for DD programs.

[9] Permissive: 3-6.

[10] Residents over age 21 who were not provided educational services as children must also be given education and training opportunities.

[11] In cases of significant hardship the commissioner of education may waive enforcement until 1977.

[12] Court order sets deadline in Sept., 1975.

[13] Services must begin as soon as the child can benefit from them, whether or not he is of school age.

[14] Date on which Trainable Mentally Retarded were included under the previously existing mandatory law.

[15] Statute now in effect is selective and conditional: at least 10 Educable Mentally Retarded, 7 Trainable Mentally Retarded, or 10 physically handicapped in school district. *Full* mandation becomes effective 7/1/79.

[16] Acoustically handicapped: 10/1/74.

[17] Aurally handicapped and visually handicapped: birth-18.

[18] Date of original mandatory law, which has since been amended to include all children.

[19] Child must be 6 years old by Jan. 1 of school year.

[20] Implementation date to be specified in preliminary state plan to be submitted to 1975 General Assembly.

[21] Deaf: to age 18 -or to age 21 "if need exists."

[22] All children must be served as soon as they are identified as handicapped.

[23] Deaf children to be served at age four.

[24] 2-21 for blind, partially blind, deaf, hard of hearing.

[25] When programs are provided for pre-school age children they must also be provided for mentally handicapped children of the same age.

[26] For mentally retarded or multiply handicapped. Others, as defined in regulations. Compliance date established by regulations.

[27] 4-21 for hearing handicapped.

[28] The Texas Educational Agency is operating under the assumption that the law is mandatory, and has requested an opinion from the state Attorney General on this question. Compliance date is as established by state policy if the law does not specify a compliance date.

[29] Within the limits of available funds and personnel.

[30] 9/1/76 established by regulations.

[31] Permissive below 6 years.

[32] Permissive 3-4.

Definition of the kinds of mandatory legislation used by states:

Full Program Mandate:	Such laws require that programs must be provided where children meet the criteria defining the exceptionality.
Planning and Programming Mandate:	This form includes required planning prior to required programming.
Planning Mandate:	This kind of law mandates only a requirement for planning.
Conditional Mandate:	This kind of law requires that certain conditions must be met in or by the local education district before mandation takes effect (this usually means that a certain number of children with like handicaps must reside in a district before the district is obliged to provide for them).
Mandate by Petition:	This kind of law places the burden of responsibility for program development on the community in terms of parents and interested agencies who may petition school districts to provide programs.
Selective Mandate:	In this case, not all disabilities are treated equally. Education is provided (mandated) for some, but not all categories of disabilities.

The work performed herein was done pursuant to a grant from the Bureau of Education for the Handicapped, US Office of Education, Department of Health, Education, and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the US Office of Education, and no official endorsement by the US Office of Education should be inferred.

Appendix C

INDIAN AND MIGRANT PROGRAMS
SURVEY RESULTS OF HANDICAPPED CHILDREN IN HEAD START BY STATE *

STATE	(a) Number of Programs Responding+	(b) Total Number of Children Reported Enrolled	(c) Number of Handi. Children Reported Enrolled	(d) % of Enrollment Reported Handi. Nov.-Dec. 1974	(e) Number believed to be handicapped but diagnosis has not been completed	(f) Percent believed to be handi. but diagnosis has not been completed Nov.-Dec. 1974	(d) & (f) TOTAL percent reported handi. and believed to be Handi. Nov.-Dec. 1974
Alaska (1)	1	20	-	-	-	-	-
Arizona (12)	10	1022	48	4.70	56	5.48	10.18
California	2	361	15	4.16	20	5.54	9.70
Colorado (2)	2	186	13	6.99	5	2.69	9.68
Florida (2)	3	574	11	1.92	9	1.57	3.49
Idaho (3)	4	248	9	3.63	5	2.02	5.64
Illinois	2	129	14	10.85	1	.78	11.63
Minnesota (6)	6	391	19	4.86	-	-	4.86
Montana (7)	6	539	44	8.16	21	3.90	12.06
Nebraska (1)	1	19	1	5.26	1	5.26	10.52
Nevada (1)	1	126	20	15.87	9	7.14	23.01
N. Mexico (9)	6	399	16	4.01	2	.50	4.51
N. Carolina (1)	1	110	13	11.82	5	4.55	16.37
N. Dakota (3)	3	507	32	6.31	40	7.89	14.20
Oregon (1)	2	862	60	6.96	6	.70	7.66
S. Dakota (5)	4	410	64	15.61	18	4.39	20.00
Texas	2	1477	43	2.91	3	.20	3.11
Utah (1)	1	200	24	12.00	29	14.50	26.50
Washington (7)	3	102	4	3.92	2	1.96	5.88
Wyoming (1)	1	75	-	-	-	-	-
Survey National Totals	61	7757	450	5.80	232	2.99	8.79

* Adapted from a chart originally presented in "Head Start Services to Handicapped Children" Third Annual Report to U.S. Congress, U.S. Department of Health, Education and Welfare, Office of Child Development, Washington, D.C., June, 1975.

( ) Number in parentheses indicates the number of Indian grantees in each state.

\+ Indian Migrant Programs Division administers 70 Indian and 14 Migrant programs. The seven Indian grantees in Mississippi and Wisconsin are not included in the survey results.

16